

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED  
for Roanoke  
OCT 16 2007

In accordance with the Memorandum Opinion entered this day, it is hereby

**ADJUDGED AND ORDERED**

that respondent's motion to dismiss shall be and hereby is **GRANTED**; petitioner's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 and motion for summary judgment shall be and hereby are **DENIED**; and this case shall be **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send copies of this Order and accompanying Memorandum Opinion to petitioner and to counsel of record for the respondent.

**ENTER:** This 16<sup>th</sup> day of October, 2007.

Samuel M. Morin  
United States District Judge